

November 6, 2013
FOR IMMEDIATE RELEASE

Summary of October 24-25, 2013, Board Meeting

The following is a summary of October 24-25, 2013, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 125 cases.

New Investigative Cases: The Board reviewed 53 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 4 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced medicine in Pinellas Park and Lehigh Acres, Florida, had formal disciplinary charges filed against her by the Iowa Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on July 1, 2009. On April 28, 2011, the physician was arrested and charged with racketeering, money laundering and conspiracy to traffic in controlled substances in Pinellas County, Florida. The criminal charges alleged that the physician prescribed controlled substances without proper medical reasons, without proper examinations, and for personal monetary gain. On May 18, 2011, the Florida Department of Health (Florida Board) suspended the physician's Florida medical license. The Florida Board concluded that the physician prescribed excessive quantities of controlled substances to multiple patients without conducting or documenting complete medical histories or physical examinations, without establishing appropriate treatment plans, and without performing appropriate monitoring. On October 26, 2011, the North Carolina Medical Board summarily suspended the physician's North Carolina medical license based on the action taken by the Florida Board. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Florida Department of Health and North Carolina Medical Board in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on January 9, 2014.

2. An Iowa-licensed physician who formerly practiced ophthalmologic surgery in Martinsville, Virginia, had formal disciplinary charges filed against him by the Iowa Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on January 1, 2004. On October 25, 2011, the Virginia Board of Medicine (Virginia Board) disciplined the physician for failing to meet the standard of care in his treatment of at least seven patients who suffered complications while undergoing phacoemulsification cataract extraction and intraocular lens insertion between September 11, 2008 and July 23, 2009, in Martinsville, Virginia. The Virginia Board also concluded that the physician failed to appropriately respond to calls from the hospital's emergency department for an apparent emergent situation while he was on call on or about December 7, 2009. The Virginia Board placed the physician on indefinite probation and ordered him to complete additional continuing medical education in the subjects of professionalism in the practice of medicine and cataract surgery. Prior to returning to the practice of medicine, the physician was required to submit a practice plan describing his: practice location; hours, healthcare services offered, staffing; hospital privileges for medical personnel; and the procedures to be performed and the type of treatment/services to be provided. Should the plan include ophthalmologic surgery, the physician must submit the name and CV of a proctor who will supervise him for a minimum of twenty-five (25) cataract surgical procedures. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Virginia Board of Medicine in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on January 9, 2014.
3. An Iowa-licensed physician who formerly practiced anatomic and clinical pathology in Lexington, Kentucky, had formal disciplinary charges filed against him by the Iowa Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on April 1, 2011. On August 28, 2012, the physician was disciplined by the Commonwealth of Kentucky Board of Medical Licensure. The physician voluntarily surrendered his Kentucky medical license due to a mental health condition. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Commonwealth of Kentucky Board of Medical Licensure in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on January 9, 2014.
4. An Iowa-licensed physician who currently practices emergency medicine in Cleveland, Ohio, had formal disciplinary charges filed against him by the Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on February 1, 2006. On April 19, 2010, the United States Air Force (USAF) restricted the physician's surgical privileges, requiring supervision of his basic video-assisted laparoscopic procedures. The USAF alleged that the physician failed to use appropriate general surgery technique during laparoscopic surgery. On September 7, 2011, the physician was disciplined by the Medical Board of California (California Board) based on the action taken by the USAF. The California Board placed the physician on probation for a period of four years. The physician is required to complete a Board-approved clinical training program and continuing medical education program, and practice under the supervision of a Board-approved practice monitor. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Medical Board of California in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on January 9, 2014.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board approved 4 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced medicine in Richmond, Kentucky, entered into a combined Statement of Charges and Settlement Agreement with the Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on January 1, 2002. On March 7, 2013, the physician was disciplined by the Kentucky Board of Medical Licensure (Kentucky Board). The Kentucky Board alleged that the physician inappropriately prescribed excessive controlled substances to multiple patients including, but not limited to, friends and family, in 2011 and 2012 without performing appropriate examinations, providing appropriate monitoring or maintaining appropriate medical records. The physician agreed to surrender his DEA registration and he was permanently prohibited from prescribing, dispensing or otherwise professionally utilizing controlled substances. The physician was also ordered to reimburse the Kentucky Board for investigative costs in the amount of \$1,537.50. The physician subsequently retired due to health problems. Under the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
2. An Iowa-licensed physician who formerly practiced medicine in New Orleans, Louisiana, entered into a combined Statement and Charges and Settlement Agreement with the Iowa Board on October 25, 2013. The physician's Iowa medical license went inactive due to nonrenewal on May 1, 2008. The physician was charged with twenty-two (22) counts of Health Care Fraud and one (1) count of Conspiracy to Commit Health Care Fraud in the United States District Court for the Eastern District of Louisiana. The charges alleged that the physician and others facilitated the submission of claims to Medicare for unneeded and underperformed tests and falsely and fraudulently represented that various health care benefits, items and services were medically necessary. The physician pleaded guilty to Health Care Fraud. On February 6, 2013, the physician voluntarily surrendered his Louisiana medical license. Under the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
3. An Iowa-licensed physician who practices family medicine in Mount Pleasant, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on October 25, 2013. On April 19, 2012, the physician entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board. The Iowa Board alleged that the physician failed to provide appropriate obstetrical care to a female patient in Mount Pleasant, Iowa, in December 2007. The Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The physician also completed a Board-approved education program for advanced obstetrical care and submitted a written corrective action plan describing what he learned and the steps he has taken to avoid similar concerns in the future. The Board subsequently received information which indicates that the physician failed to appropriately diagnose and treat a patient with a ruptured appendix. On January 11, 2013, the Board ordered the physician to complete a comprehensive clinical competency evaluation. The physician completed

the evaluation on March 22, 2013, and the evaluation program concluded that he demonstrated areas of educational need and recommended that he participate in a structured, individualized education program. Under the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement, the Board placed the physician on probation for a period of five years subject to Board monitoring, a structured, individualized education program and a Board-approved practice monitoring plan. The Board also issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty.

4. An Iowa-licensed physician who formerly practiced internal medicine in Oregon, entered into a combined Statement of Charges and Settlement Agreement with the Board on October 25, 2013. The physician's Iowa medical license previously went inactive due to nonrenewal. On June 11, 2010, the physician was disciplined by the Oregon Medical Board (Oregon Board) due to substance abuse. The physician agreed to withdraw from the practice of medicine pending conclusion of the Oregon Board's investigation of her ability to practice medicine with reasonable skill and safety due to substance abuse. On August 26, 2011, the physician was disciplined by the Texas Medical Board (Texas Board) based on the action taken by the Oregon Board. The physician agreed to immediately place her Texas medical license on inactive status pending an investigation of her ability to practice medicine with reasonable skill and safety due to substance abuse. Under the terms of the October 25, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Oregon Board and Texas Board for substance abuse. The Iowa Board ordered The physician to provide it written notice at least ninety (90) days prior to seeking reinstatement of her Iowa medical license. Prior to seeking reinstatement, the physician must enter into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for substance abuse counseling and monitoring. The physician agreed to fully comply with all terms and conditions established by the IPHP and the Iowa Board which are necessary to protect the public and ensure that she practices medicine with reasonable skill and safety.

Settlement Agreements: After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved 2 Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced family medicine in Hampton, Webster City, Charles City and Fairfield, Iowa, entered into a Settlement Agreement with the Board on October 25, 2013. On September 25, 2012, the Board filed a Statement of Charges and an Emergency Adjudicative Order against The physician, suspending his Iowa medical license. The Board alleged that the physician engaged in a pattern of inappropriate sexual conduct, including nonconsensual sexual contact, with at least six female patients and/or co-workers in Hampton, Iowa, between 2008 and May 2012. On May 29, 2013, the physician was charged with two counts of Sexual Abuse in the Third and six counts of Sexual Exploitation by a Counselor or Therapist in the Iowa District Court for Franklin County, Iowa. On May 30, 2013, the physician pleaded guilty to one count of Sexual Exploitation by a Counselor or Therapist, a class D felony. The physician admitted having sexual contact with co-workers and patients between 2006 and 2012 at Franklin General Hospital in Hampton, Iowa. The physician received a five-year suspended prison sentence and was placed on supervised probation for a period of five years. The physician was ordered to pay a \$7,500 fine, a \$2,625 surcharge, and \$140 in

court costs. The physician must also register as a sex offender and pay restitution. Under the terms of the October 25, 2013, Settlement Agreement, the physician voluntarily surrendered his Iowa medical license and agreed to pay a \$10,000 civil penalty.

2. An Iowa-licensed physician who formerly practiced surgery in Harrisburg, Pennsylvania, and Shenandoah, Iowa, entered into a Settlement Agreement with the Iowa Board on October 25, 2013. On November 16 2011, the Pennsylvania State Board of Medicine (Pennsylvania Board) disciplined the physician. The Pennsylvania Board concluded that the physician practiced medicine while his ability to practice was impaired by mental disability and that he engaged in unprofessional conduct when he departed from, or failed to conform to, a quality standard of the profession. The Pennsylvania Board placed the physician on indefinite probation subject to Board monitoring, counseling, and the supervision of a practice monitor. On August 30, 2013, the Iowa Board charged the physician with being disciplined by the Pennsylvania Board in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the October 25, 2013, Settlement Agreement, the Iowa Board ordered the physician complete a comprehensive clinical competency evaluation, a comprehensive physical, neuropsychological, mental health and disruptive behavior evaluation and a professional ethics program. The Iowa Board also issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Iowa Board also placed the physician on indefinite probation subject to Board monitoring and a Board-approved practice monitoring program.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological, mental condition or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board voted to issue 1 confidential Evaluation Order due to the following areas of concern:

1. Concerns that an Iowa-licensed physician engaged in sexual misconduct, sexual harassment and/or unprofessional conduct with patients and co-workers.

Termination Orders: The Board issues a Termination Order when a licensee has successfully completed the terms of a formal disciplinary order.

The Board voted to issue 1 Termination Order.

An Iowa-licensed physician who currently practices family medicine in Hamburg, Iowa, had the terms of his probation terminated by the Board on October 30, 2013. On August 6, 2009, the Board charged the physician with violating the terms of a Physician Health Contract that he entered into with the Iowa Physician Health Program and with engaging in substance abuse. On October 9, 2009, the physician entered into a Settlement Agreement with the Board. Under the terms of the October 9, 2009, Settlement Agreement, the Board placed the physician on probation for a period of five years subject to Board monitoring for substance abuse. The physician has fully complied with the terms and conditions of the October 9, 2009, Settlement Agreement. On October 30, 2013, the Board terminated the terms and

conditions of the physician's probation and returned his Iowa medical license to its full privileges, free and clear, of all restrictions.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 9 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician performed the wrong hand surgery on a patient.
2. Concerns that a physician may have taken medication from patients.
3. Concerns that a physician continued dispensing medications after his state drug registration expired.
4. Concerns about physician's management of a patient's blood thinning medications.
5. Concerns that a physician gave a child the wrong dose of an antibiotic.
6. Concerns about a physician's diagnosis and treatment of a patient with severe heart disease.
7. Concerns that a physician may have taken medication from patients.
8. Concerns about a physician's treatment of a child with a respiratory infection.
9. Concerns about a physician's diagnosis and treatment of a patient with severe heart disease.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 3 appearances due to the following concerns:

1. Concerns about a physician's diagnosis and treatment of a patient with a severe genital infection.
2. Concerns that a physician acted in an unprofessional manner toward patients and co-workers.
3. Concerns that a physician may have taken medication from patients.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 12 cases involving physicians who are being monitored by the Board.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 35 cases.

Licensure Committee: The Licensure Committee is a committee reviews initial license applications, renewals and reinstatements other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 7 licensure applications. Five permanent licenses were granted, two applications were left open to request further information.

The Licensure Committee approved two Letters of Warning due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application and two letters were approved for unprofessional conduct.

The Licensure Committee also met with James Amos, M.D. via conference call to review his concerns with maintenance of licensure.

In other action the Board:

- Voted to adopt ARC 0943C, which is composed of several amendments to Iowa Administrative Code 653-Chapters 8,9,10. These amendments pertaining to licensure-related fees, fees for public records, and the fee assessed for Board-ordered monitoring. The adopted amendments will be published on November 27, 2013, in the Iowa Administrative Bulletin and are scheduled to become effective January 1, 2014.
- Upon the adoption of ARC 0943C, the Board voted to maintain the new fee schedule, effective January 1, 2014, through the end of the 2014 Fiscal Year, ending June 30, 2014.
- Voted to adopt ARC 0977C, which is composed of several amendment to Iowa Administrative Code 653-Chapter 14 to update language to provide clarity and more closely align rules with practices of the Iowa Physician Health Committee and program. The adopted amendments will be published on November 27, 2013, in the Iowa Administrative Bulletin and are scheduled to become effective January 1, 2014.
- Received a statistical report on the Iowa Physician Health Program. On October 1, 2013, there were 76 participants in the program. There were 33 new participants in the program since January 1, 2013, and 33 discharges in the same period.
- Received reports from the Iowa Attorney General's Office on six disciplinary cases and one rule-making case under judicial review in state courts.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on November 5, 2013. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.